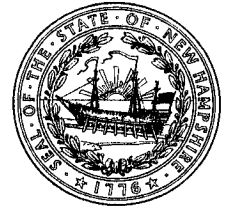




The State of New Hampshire  
**Department of Environmental Services**  
**Waste Management Council**

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964  
DES Website: [www.des.nh.gov](http://www.des.nh.gov) - Council Website: [www.des.state.nh.us/councils/](http://www.des.state.nh.us/councils/)



November 23, 2005

Dr. Rae Barnhisel  
161 Fish Road  
Temple, NH 03084

Re: Docket No. 05-20 WMC – D.R. Barnhisel Appeal

Dear Dr. Barnhisel:

On November 22, 2005 you filed a document ("the document") with the Waste Management Council ("the Council") c/o my office which purports to be an appeal of the issuance of Groundwater Management Permit No. 199103027-T-001 by the Department of Environmental Services, Waste Management Division ("DES"), to the Town of Temple. The document consisted of a single page letter from you dated November 18, 2005 and a copy of a three page letter from the United States Environmental Protection Agency dated November 1, 2001 as an attachment.

Per NH Code of Administrative Rules Part Env-WMC 204.03, I have reviewed the document for compliance with Env-WMC 204.01 and Env-WMC 204.02(b). I have determined that the document is timely filed, having been filed fifteen (15) days from the date the decision was issued. However, the document does not comply with the following requirements of Env-WMC 204.02(b):

- Env-WMC 204.02(b)(3) A notice of appeal shall include a clear and concise statement of the relief sought;
- Env-WMC 204.02(b)(4) A notice of appeal shall include a clear and concise statement of the facts upon which the Council is expected to rely in granting relief;
- Env-WMC 204.02(b)(5) A notice of appeal shall include a clear and concise statement as to why the appellant has standing to bring the appeal, for example, why the appellant will suffer a direct and adverse affect as a result of the decision being appealed in a way that is more than any impact of the decision on the general public;
- Env-WMC 204.02(b)(6) A notice of appeal shall include a copy of the decision or order which is being appealed;
- Env-WMC 204.02(d) The appellant shall provide a copy of the notice of appeal to the Director and to the Commissioner of the Department;
- Env-WMC 204.02(e) If the appeal is related to the issuance of a permit and the appellant is not the permit holder, the appellant shall serve a copy of the notice of appeal on the permit holder in accordance with Env-WMC 204.09;
- Env-WMC 204.09(e) Every document required to be served upon the parties to an appeal shall be accompanied by a certificate of service, signed by the person making service, attesting to the method and date of service and the person(s) served;

Additionally, Env-WMC 203.09(b) states that any document required or allows to be filed in conjunction with an appeal shall be filed by mailing or delivering **the original and twenty (20) copies** of the document to the Appeals Clerk. The document you filed with my office did not include the required twenty (20) copies.

Per Env-WMC 204.03(d)(1)b. if you wish to pursue this appeal, you must file a notice of appeal correcting the deficiencies identified above with my office on or before December 21, 2005. If you have any questions, please contact me at (603) 271-6072 or by email at [msclafani@des.state.nh.us](mailto:msclafani@des.state.nh.us)

Sincerely,

**COPY**  
Michael P. Soliman, Appeals Clerk  
NH Waste Management Council

cc: NH Waste Management Council  
Michael P. Nolin, Commissioner, NH DES  
Anthony P. Giunta, P.G., Director, Waste Management Division  
Peter Beblowski, DES WMD  
Kerry D. Barnsley, DES Legal Unit  
Jennifer J. Patterson, NH DOJ